

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GOLDEN HOUR DATA SYSTEMS, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 2:06-CV-381
	§	
EMSCHARTS, INC., ET AL.,	§	
	§	
Defendants.	§	

ORDER

On November 17, 2008, the parties submitted a joint letter to the court outlining their respective objections to deposition designations and counter-designations (Dkt. No. 181). Some of the objections have been resolved by the parties, and the court has reviewed the balance. All of the plaintiff's objections not resolved by agreement are **OVERRULED**. All of the defendants' objections not resolved by agreement are **OVERRULED**.

On November 18, 2008, the parties submitted objections to deposition designations and counter-designations of Peter Heyer (Dkt. No. 182). The objections "Based on Failure to Properly Disclose Witness in P.R. 3-3 Invalidity Contentions" are **OVERRULED**. The objections "Based on Lack of Foundation and Incompleteness" are **OVERRULED** with the caveat that the testimony may be read as outlined on page three of the letter.

The court makes the following rulings on the outstanding Motions in Limine:

Plaintiff's Motion in Limine 1:	The parties should refer to the court's ruling in the evidentiary hearing in this case. The motion is OVERRULED to the extent that the court held that the specific exhibits relate to the late produced documents or proved the date of those documents. Testimony or arguments relating to those exhibits shall conform to the court's ruling. The motion is
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SUSTAINED for all other purposes.

Defendant's Motion in Limine 4: OVERRULED. In addition, the fact of the settlement and indemnity agreement is admissible to show bias. The document itself is not admitted.

Defendant's Motion in Limine 6: OVERRULED as to claim 1. GRANTED with respect to claim 15 and all associated dependant claims.

Defendant's Motion in Limine 7: OVERRULED.

Defendant's Motion in Limine 8: OVERRULED.

In regards to the Plaintiff's Motion to Strike (Dkt. No. 160) the parties should refer to the court's ruling in the evidentiary hearing in this case. The motion is OVERRULED to the extent that the court held that the specific exhibits relate to the late produced documents or prove the date of those documents. The motion is GRANTED for all other purposes.

SIGNED this 19th day of November, 2008.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE